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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,466	01/26/1999	DEREK IAN JOSEPH HOPKINS	FHW-037	7489

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EXAMINER

LY, ANH

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/237,466

Applicant(s)

HOPKINS, DEREK IAN JOSEPH

Examiner

Anh Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is response to Applicant's response filed on 02/23/2005.
2. Claims 1-8 are pending in this Application.

### *Response to Arguments*

3. Applicant's arguments filed 02/23/2005 have been fully considered but they are not persuasive.
4. Applicant argued that, "A careful review of those cited passages from Smith patent reveals the subject matter corresponds to new matter added to the parent application (Morton) and therefore the cited subject matter does not qualify as prior art."  
(Page 2 of the RESPONSE, lines 20-30)

The applied reference, Smith et al. of 6,501,950 B1 (hereinafter Smith) filed on August. 17, 1998 and is a **Continuation-In-Part** of Application No. 88/615,962, filed on **March 14, 1996**, now US Patent No. 6,014,557 of Morton et al. and the constant application claiming the benefit of the filing date of the prior foreign application, United Kingdom Application No. 9801669.4, filed on **01/27/1998**. Thus the applied reference Smith is qualified as prior art.

Examiner does not know what the subject matter corresponds to the new matter added to the parent application is and Applicant failed to cite authority from MPEP.

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5. Applicant argued that, "the Smith patent in view of the Abbey patent fails to establish a prima facie case of obviousness for use in the rejection of claim 1-8." (Page 3 of the RESPONSE, lines 1-3).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Smith and Abbey of 6,151,354 are from the same field of endeavor and both are directed to transmitting the digital data/information/message and data links such as tactical data links. One having ordinary skill in the art would have found it motivated to combine the teachings of Smith and Abbey because that would provide Smith's system the enhanced capability of filtering the messages, especially the duplicate message. Moreover, the examiner kindly submits that the applicants misread the applicable references used in the last office action. However, when read and analyzed in light the specification, the invention as claimed does not support applicant's assertions. Actually, applicants are interpreting the claims very narrow without considering the broad teaching of the references used in the rejections. Additionally, it is important to note that the examiner interpretation of the claims, wherein, the examiner explicitly stated passages in the cited references which were not even addressed. The aforementioned assertion wherein all the limitations are

not taught or suggested by the prior art of record, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. The examiner has provided in the last office action, a convincing one of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the cited references. Applicants are reminded that 37 CFR 1.111(b) states, a general allegation that the claims define a patentable invention without specifically printing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Therefore, the applicants have failed to provided prima facie evidence how the language of the claims patentably distinguished them from the cited references. Hence, the applicants' assertions are just mere allegation with no supported fact.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,501,950 issued to Smith et al. (hereinafter Smith) in view of US Patent No. 6,151,354 issued to Abbey.

With respect to claim 1, Smith teaches receiving a plurality of data link messages, and include a message type field and at least one message content field whose meaning is determined by the message type (receiving messages from the data capture: col. 7, lines 48-52; and each message has a message: col. 8, lines 55-60);

storing the plurality of data link messages in a database (messages are stored in a table: abstract) ;

assigning each data link message to one of a plurality of message groups according to the message type field so that each group contains data link messages of a specific message type (message groups are indicated by tabs: col. 9, lines 28-35). within each of the message groups,

tabulating the messages so as to align corresponding message content fields (the messages are displayed in a window on as a tabular format under a group of message: col. 9, lines 32-35);

displaying the tabulated messages so that the corresponding message content fields are aligned (the displayed messages are grouped based on the tab or field: col. 9, lines 30-35)

displaying a list of field contents for each message content field, the list being filtered to remove repeated incidence of the same content (all messages are filtered and duplicated messages are removed/eliminated: col. 30, lines 5-15).

Smith teaches a system and method of capturing data/message from a network and stored messages in a table and displaying them in a tabular format with each tab holding data for a group. Smith does not clearly teach each of the data link messages being formatted digital data sequences transmitted between units.

However, Abbey teaches receiving message data signal as a digital message (col. 7, lines 54-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Smith with the teachings of Abbey by incorporating the use of digital data message as digital data in the transmission message process. The motivation being to have data link message about the tactical messages including the message types and message groups and the messages are displayed in a tabular format including filtering duplicate message.

With respect to claim 2, Smith teaches wherein the processing is applied to all groups (group of messages is selected by tab: abstract and col. 9, lines 32-36).

With respect to claim 3, Smith teaches wherein each group contains all data link messages of a specific message type (message type: abstract, col. 14, lines 21-26).

With respect to claim 4, Smith teaches wherein the list is sorted (messages are sorted and filtered: col. 15, lines 8-22).

With respect to claim 5, Smith teaches wherein the group is filtered so as to display only messages having a particular content for that field type, the content having been selected from the list (field type: col. 27, lines 5-18).

With respect to claim 6, Smith teaches wherein the list is filtered to removed repeated incidence of content falling with a specified range (col. 28; lines 5-15).

With respect to claim 7, Smith teaches a method as discussed in claim 1.

Smith teaches a system and method of capturing data/message from a network and stored messages in a table and displaying them in a tabular format with each tab holding data for a group. Smith does not clearly teach which the data link messages are tactical data link messages.

However, Abbey teaches tactical data link (col. 8, lines 35-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Smith with the teachings of Abbey by incorporating the use of tactical data link digital message as digital data in the transmission message process. The motivation being to have data link message about the tactical messages including the message types and message groups and the messages are displayed in a tabular format including filtering duplicate message.

With respect to claim 8, Smith teaches a method as discussed in claim 1.

Smith teaches a system and method of capturing data/message from a network and stored messages in a table and displaying them in a tabular format with each tab holding data for a group. Smith does not clearly teach the messages are tactical data link messages originating from a plurality of military platforms, the messages being in



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digital form, at least some of which being transmitted by the units via a wireless network.

However, Abbey teaches military, satellite platform, helicopter application, handheld device and the system is via a wireless network (col. 4, lines 30-42 and lines 48-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Smith with the teachings of Abbey by incorporating the use of military platform for some application such helicopter naval application via a wireless network and tactical data link digital message as digital data in the transmission message process. The motivation being to have data link message about the tactical messages including the message types and message groups and the messages are displayed in a tabular format including filtering duplicate message.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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**Contact Information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: [ANH.LY@USPTO.GOV](mailto:ANH.LY@USPTO.GOV). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER

ANH LY   
MAY 2<sup>nd</sup>, 2005